

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN HILL,	§
	§
Defendant Below-	§ No. 439, 2008
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9607013218
Plaintiff Below-	§
Appellee.	§

Submitted: January 14, 2009

Decided: March 5, 2009

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 5th day of March 2009, after careful consideration of appellant's opening brief and the State's motion to affirm, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated August 14, 2008. The Superior Court did not err in denying the appellant's motion for correction of sentence because, under 11 Del. C. §4209, the Superior Court had no discretion but to impose a life sentence following appellant's conviction of first degree murder.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice